

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MOURAD ELLAKKANY,	:	CIVIL ACTION NO. 1:14-CV-983
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
THE COMMON PLEAS COURT OF	:	
MONTGOMERY COUNTY, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 7th day of September, 2016, upon consideration of the report (Doc. 56) of Magistrate Judge Susan E. Schwab, recommending the court construe the correspondence (Docs. 54-55) filed by *pro se* plaintiff Mourad Ellakkany (“Ellakkany”), advising the court of his desire to withdraw his complaint, as notices of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), FED. R. CIV. P. 41(a)(1)(A)(i), and it appearing that neither party objects to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes,

and, following an independent review of the record, the court in agreement with Judge Schwab's recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 56) of Magistrate Judge Schwab is ADOPTED.
2. Ellakkany's correspondence (Doc. 54-55) are CONSTRUED as notices of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).
3. Ellakkany's complaint (Doc. 1) is DISMISSED.
4. Defendants' pending motions (Docs. 16, 29) to dismiss are DENIED as moot.
5. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania